

## ARTICLE 61

### SEC. 21-61 INTERPRETATION, ENFORCEMENT AND PENALTIES.

#### 61.1 Interpretation:

- (a) Except as specifically provided herein, this Chapter shall not be interpreted to repeal, abrogate, annul or in any way affect any existing provision of any law or ordinance or regulation or permits previously adopted or issued relating to the erection, construction, moving, alteration or enlargement of any building or improvement; provided however, in any instances where this Chapter imposes greater restrictions upon the erection, construction, establishment, moving, alteration or improvement of buildings or the use of any building or structure than is imposed or required by an existing law, ordinance or regulation, the provisions of this Chapter shall control.
- (b) Whenever the Planning Commission of the County of Lake is called upon to determine whether or not the use of land or any structures in any district is similar in character to the particular uses allowed in a district, the Commission shall consider the following criteria for their determination:
  - 1. The proposed use's consistency with the purpose and applicability sections of the zoning district.
  - 2. That the proposed use is compatible with and not materially different from other uses permitted in the zoning district.
  - 3. The effect upon the public health, safety and general welfare of the neighborhood involved and the County at large.
  - 4. The effect upon the orderly development of the area in question and the County at large in regard to the general planning of the whole community.
- (c) The Planning Director shall determine whether or not the use of land or any structure in any district is similar in character to the particular uses allowed in a district and shall consider the criteria of Section 61.1(b)1-4. The Planning Director may request a resolution of interpretation from the Planning Commission as provided for in Section 61.1(b). **(Ord. No. 1749, 7/7/1988)**
- (d) The Planning Commission shall have the power to hear and decide administrative appeals based on the enforcement or interpretation of the provisions of this Chapter.
- (e) Any person who has been issued a written Notice of Violation or stop Work Order for any violation of a provision of this Chapter by a County official or employee authorized to enforce said provisions, may, within seven (7) calendar days of receipt of said Notice of Violation or Stop Work Order, file an administrative appeal in writing to said determination of violation to the Planning Commission after payment of the required fee. Enforcement actions which consist of the

issuance of a citation for a violation of this Chapter shall not be appealable. (**Ord. No. 1749, 7/7/1988**)

A written notice of violation shall set forth in detail each of the following:

1. The Chapter(s), Article(s), and Section(s) alleged to be violated;
  2. The date(s) of such violation(s) including a statement as per whether each such violation(s) is alleged to be a continuing violation;
  3. A general statement setting forth the corrective action(s) which may be taken to eliminate any alleged violation. (**Ord. No. 1749, 7/7/1988**)
- (f) Upon receipt of such administrative appeal and any required fee, the Planning Commission shall set the matter for hearing at the next available regularly scheduled meeting of the Commission. Notice of the time and place of the hearing shall be provided to the appellant. (**Ord. No. 1749, 7/7/1988**)
- (g) The Planning Commission shall render its decision at the close of the hearing.
- (h) The decision of the Planning Commission on an administrative appeal shall be final, conclusive and effective immediately, unless an appeal of the Planning Commission decision is filed with the Board of Supervisors as provided in [Section 21-58.30](#) of this Chapter. (**Ord. No. 1897, 12/7/1989**)

#### **61.2 Authorization of Responsibilities:**

- (a) It shall be the duty of the Director of Building and Safety of the County of Lake to enforce the provisions of this Chapter pertaining to the use of land or buildings and the erection, construction, reconstruction, moving, alteration, or addition to any buildings or structures, except as provided for Subsection(b).
- (b) It shall be the duty of the Planning Department of the County of Lake to enforce the provisions of this Chapter pertaining to major use permits, minor use permits, design review permits, and development review permits. (**Ord. No. 1936, 6/7/1990**)
- (c) Any permit or license of any type issued by any department or officer of the County of Lake, issued in conflict with the provisions of this Chapter is hereby declared to be null and void.

#### **61.3 Arrest and Citation Powers:**

- (a) The following officers and employees of the Lake County Building Inspection Department and Planning Department are hereby designated enforcement officers and given arrest and citation powers pursuant to Section 836.5 of the Penal Code:

1. Planning Director
  2. Environmental Officer (**Ord. No. 2128, 1/14/1993**)
  3. Director of Building and Safety
  4. Zoning Code Compliance Officer
- (b) The above-named officers and employees shall enforce the provisions of this Chapter and all other laws relating to the use of land or buildings and the erection, construction, reconstruction, moving, alteration or addition to any buildings or structures in the unincorporated areas of the County of Lake.

#### **61.4 Penalties:**

- (a) A violation of any provision of this Chapter or any condition of a conditional use permit is punishable as an infraction by a fine not exceeding one hundred dollars (\$100.00); or as a misdemeanor by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each separate day or any portion thereof on which any violation occurs shall be deemed to constitute a separate offense punishable as herein provided.
- (b) Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Chapter and any use of land or buildings operated or maintained contrary to the provisions of this Chapter are hereby declared to be public nuisances. The County Counsel, upon order of the Board of Supervisors, shall commence the necessary action or proceedings for the abatement, removal and enjoinder thereof in the manner prescribed by law in the courts which may have jurisdiction to grant such relief as will accomplish such abatement and restraint. The remedies provided for in this Section shall be in addition to any other remedy or remedies or penalties provided in this Chapter or any other law or Chapter.